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Washington, D.C. 20505

28 JAN 1978

Honorable Griffin B. Bell
Attorney General
Department of Justice
Washington, D. C. 20530

Dear Griffin:

Thank you for your letter of 9 January, forwarding a proposed CIA/DOJ Memorandum of Understanding intended to implement 28 U.S.C. §535.

I agree that the memorandum accurately reflects the understandings that have been reached by our staffs, and I would propose only the two following modest amendments:

(a) The provision governing the obligations of senior intelligence officials to report possible crimes to the Attorney General appears, slightly reworded, as section 1-706 rather than section 3(g)(8) of Executive Order 12036, the successor to Executive Order 11905. Footnote 1 of the memorandum should be revised accordingly.

(b) The first sentence in paragraph 4 of the memorandum would less awkwardly express the same meaning if it were rewritten to state:

A basis for referral shall be deemed to exist and the matter shall be referred to the Department of Justice unless the preliminary inquiry establishes in a reasonable time that there is no reasonable basis for belief that a crime was committed....

With these minor changes the Memorandum of Understanding is acceptable, and I believe as you do that its adoption will be a real step forward. The two changes are reflected in the enclosed draft, which we will regard as final unless you have any further comments or objections.

Yours sincerely,

/s/ Stansfield Turner
STANSFIELD TURNER

Enclosure
OGC: AAL: sin

1 - OGC Subj: Civil Liberties
1 - AAL signer 1 - Chrono
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